

Docket No.: 65164/P007C1/10613699
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Sandro Pasquali

Application No.: 09/859,528

Confirmation No.: 8092

Filed: March 19, 2001

Art Unit: 3622

For: SYSTEM AND METHOD FOR PROVIDING A
DYNAMIC ADVERTISING CONTENT
WINDOW WITHIN A WINDOWS BASED
CONTENT MANIFESTATION
ENVIRONMENT PROVIDED IN A BROWSER

Examiner: A. D. Duran

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The outstanding issues in the instant application are as follows:

- Claim 32 is rejected under 35 U.S.C. §112, second paragraph.
- Claims 9-11, 23-25, 32, 34-38, 43, 45-49, 54, and 56-60 are rejected under 35 U.S.C. §102(e).
- Claims 12, 13, 26-31, 33, 39-42, 44, 50-53, 55, and 61-64 are rejected under 35 U.S.C. § 103(a).

These rejections are reported in the final action mailed October 4, 2006, and they further are continued in the advisory action mailed January 25, 2007. Applicant hereby traverses the outstanding objections and rejections, and requests review and withdrawal in light of the remarks contained herein. Claims 9-13 and 23-64 are pending in this application.

I. REJECTIONS UNDER 35 U.S.C. § 112

A full version of claim 32 was filed in the Preliminary Amendment that accompanied this continuation application. Claim 32, in Applicant's copy of the filed paperwork and as available on the USPTO Patent Application Information Retrieval (PAIR) system breaks over pages 3 and 4 of said Preliminary Amendment as shown in the attached image copy retrieved from PAIR (Exhibit 1). That is, contrary to the Examiner's assertion, the copy of the claims dated 3/19/2001 does include a complete copy of claims 32. As the claim is complete and is otherwise believed to comply with the requirements of 35 U.S.C. § 112, withdrawal of the rejection is requested.

II. REJECTIONS UNDER 35 U.S.C. § 102(e)

Claims 9-11, 23-25, 32, 34-38, 43, 45-49, 54, and 56-60 are rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 5,848,396 to Gerace (hereinafter *Gerace*).

In the Examiner's Response to Arguments with regard to Applicant's remarks filed on January 5, 2006, he states that *Gerace* discloses the limitation of claims 9, 23, 32, 43, and 54, which requires dynamic manifestation or dynamic display because he is allowed the broadest possible interpretation of "dynamic." Final Office Action, p. 7. The Examiner quotes from the pending Specification for examples of Applicant's use in the context of the various described embodiments of the claimed invention. The Examiner even quotes to the specific definition of "dynamic manifestation" and "dynamic display" that Applicant recites in the Specification. Final Office Action, p. 7. However, in reaching his conclusions with regard to *Gerace*, the Examiner did not interpret "dynamic manifestation" and "dynamic display" according to the specific definition provided by Applicant.

In construing claim language, the words of a claim "must be given their plain meaning unless applicant has provided a clear definition in the specification." *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989). Therefore, the Examiner's attempt to broaden the interpretation of "dynamic" to include the teaching of *Gerace* is improperly ignoring the reasonable interpretation of the claim language. The "dynamic" portion of *Gerace* includes the program controller 79 using the user profiling member 73 to select a particular advertising or screen view to generate and transmit to the user for display. Col. 4, lns 56-64 and Col. 5, lns 15-25. This teaching is not the same as "a content manifestation area configured to

dynamically manifest advertising content received from an advertising content source via an electronic data network,” as required by claim 9, and similar limitations as disclosed in claims 23, 32, 43, and 54. Therefore, *Gerace* does not teach each and every limitation of claims 9-11, 23-25, 32, 34-38, 43, 45-49, 54, and 56-60. Accordingly, withdrawal of the rejection of these claims as being anticipated by *Gerace* is respectfully requested.

III. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 12, 13, 26-31, 33, 39-42, 44, 50-53, 55, and 61-64 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Gerace* in view of teachings known to one of ordinary skill in the art.

As noted above, *Gerace* fails to teach the dynamic manifestation and dynamic display as required in claims 9, 23, 32, 43, and 54. The Examiner does not offer obviousness to cure this deficiency nor has the Examiner offered any additional references which he alleges teach such a limitation. Therefore, *Gerace* does not teach or even suggest each and every limitation of claims 12, 13, 26-31, 33, 39-42, 44, 50-53, 55, and 61-64. Accordingly, withdrawal of the rejection of these claims as being obvious over *Gerace* is respectfully requested..

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Summary

For the reasons presented, all claims are now considered to be in condition for allowance. Withdrawal of the outstanding rejections of the claims are respectfully requested.

This Pre-Appeal Brief Request For Review is accompanied by a Petition for a three month extension of time with appropriate fee. If any other or additional fee is due, please charge our Deposit Account No. 06-2375, under Order No. 065164/P007C1/10613699 from which the undersigned is authorized to draw.

Dated: April 4, 2007

Respectfully submitted,

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EXHIBIT 1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
SANDRO PASQUALI

Attorney's Docket No.:
040.0058

Filed:
March 20, 2001

Serial No.:
Unassigned

For: **SYSTEM AND METHOD FOR PROVIDING
A DYNAMIC ADVERTISING CONTENT
WINDOW WITHIN A WINDOW BASED
CONTENT MANIFESTATION
ENVIRONMENT PROVIDED IN A
BROWSER**

Group No.:
Unassigned

Examiner:
Unassigned

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
United States Patent and Trademark Office
Washington, DC 20231

S I R:

Prior to or contemporaneous with the review and examination of the above-identified U.S. patent application, please enter the following Amendments and Remarks. This U.S. patent application is a continuation application under 37 C.F.R. § 1.53(b) of U.S. Patent Application Serial No. 09/252,076, filed on February 18, 1999, which application is now pending before the USPTO.

Please process the following Amendments:

IN THE SPECIFICATION:

On page 1 of the application, after the TITLE OF THE INVENTION section and at line 6, please **INSERT** the following new section:

--RELATED APPLICATION DATA

This application is a Continuation of U.S. Patent Application Serial No. 09/252,076, filed on February 18, 1999, which application is now pending before the USPTO. --

IN THE CLAIMS:

Please **CANCEL** claims 1-8 and 14-22 without prejudice to the subject matter defined therein. Claims 1-8 and 14-22 have been allowed in Applicant's co-pending U.S. Patent Application No. 09/252,076.

Please **ADD** the following claims:

23. (Newly Added) A controllable window object manifested within a content manifestation environment provided within a web browser client, comprising:

a content manifestation area configured to dynamically manifest advertising content received from an advertising content source via an electronic data network; and

a control facility configured to control display attributes associated with said content manifestation area.

24. (Newly Added) The controllable window object according to claim 23, wherein said content manifestation area is configured to dynamically receive content from at least one advertising content source.

25. (Newly Added) The controllable window object according to claim 23, wherein said content manifestation area is configured to continuously receive and manifest a content stream.

26. (Newly Added) The controllable window object according to claim 23, wherein said content manifestation area is moveable within a content manifestation environment provided by said WWW browser client.

27. (Newly Added) The controllable window object according to claim 23, wherein said content manifestation area corresponds to a section of a screen within a content manifestation environment provided by a WWW browser client.

28. (Newly Added) The controllable window object according to claim 23, wherein said control facility permits said content manifestation area to be maximized.

29. (Newly Added) The controllable window object according to claim 23, wherein said control facility permits said content manifestation area to be minimized.

30. (Newly Added) The controllable window object according to claim 23, wherein said control facility permits said content manifestation area to be re-sized.

31. (Newly Added) The controllable window object according to claim 23, wherein said control facility permits said content manifestation area to be closed.

32. (Newly Added) A system for providing a dynamic content window within a windows based content manifestation environment provided within a web browser, comprising:

a server system configured to transmit a software system and data related to a content source via an electronic data network; and

a web browser client operating within a data processing system that is coupled to said server system via the electronic data network and having a content manifestation

environment, said web browser client operative to receive said software system and said data, to process said software system and said data to produce a controllable window object within said content manifestation environment of said web browser client, said controllable window object configured to dynamically manifest therein content received from said content source in accordance with said data.

33. (Newly Added) The system according to claim 32, wherein said software system includes instructions related to the size and placement of said controllable window object within said content manifestation environment.

34. (Newly Added) The system according to claim 32, wherein said content source includes full motion video content.

35. (Newly Added) The system according to claim 32, wherein said content source includes an audio feed.

36. (Newly Added) The system according to claim 32, wherein said electronic data network is the Internet.

37. (Newly Added) The system according to claim 36, wherein said web browser client accesses said content source via the Internet to receive content to be dynamically manifested within said controllable window object.

38. (Newly Added) The system according to claim 32, wherein said web browser client accesses said content source more than one time to receive corresponding different content to be dynamically manifested within said controllable window object.

39. (Newly Added) The system according to claim 32, wherein said controllable window object further includes a control facility that permits said controllable window object to be minimized.

40. (Newly Added) The system according to claim 32, wherein said controllable window object further includes a control facility that permits said controllable window object to be maximized.

41. (Newly Added) The system according to claim 32, wherein said controllable window object further includes a control facility that permits said controllable window object to be re-sized.

42. (Newly Added) The system according to claim 32, wherein said controllable window object further includes a control facility that permits said controllable window object to be closed thereby preventing dynamic manifestation of said content within said controllable window object.

43. (Newly Added) A method for providing a controllable window object within a windows based content manifestation environment provided within a web browser, comprising the following steps:

from a server system, transmitting a software system and data related to a content source via an electronic data network;

at a web browser client operating within a data processing system that is coupled to said server system via the electronic data network, receiving said software system;

processing said software system and said data to produce a controllable window object within a content manifestation environment provided by said web browser; and

dynamically manifesting said content within said controllable window object in accordance with said data.

44. (Newly Added) The method according to claim 39, wherein said software system includes instructions related to the size and placement of said controllable window object within said content manifestation environment.

45. (Newly Added) The method according to claim 43, wherein said data relates to a full motion video content source.

46. (Newly Added) The method according to claim 43, wherein said data relates to an audio feed.

47. (Newly Added) The method according to claim 43, wherein said electronic data network is the Internet.

48. (Newly Added) The method according to claim 43, wherein said web browser client accesses said content source in accordance with said data to receive content to be dynamically manifested within said controllable window object.

49. (Newly Added) The method according to claim 43, wherein said web browser client accesses said content source in accordance with said data more than one time to receive corresponding different content to be dynamically manifested within said controllable window object.

configured to dynamically manifest therein content received from said content source in accordance with said data, said window object being under the direct control of the web browser

55. (Newly Added) The system according to claim 54, wherein said software system includes instructions related to the size and placement of said controllable window object within said content manifestation environment.

56. (Newly Added) The system according to claim 54, wherein said content source includes full motion video content.

57. (Newly Added) The system according to claim 54, wherein said content source includes an audio feed.

58. (Newly Added) The system according to claim 54, wherein said electronic data network is the Internet.

59. (Newly Added) The system according to claim 58, wherein said web browser client accesses said content source via the Internet to receive content to be dynamically manifested within said controllable window object.

60. (Newly Added) The system according to claim 54, wherein said web browser client accesses said content source more than one time to receive corresponding different content to be dynamically manifested within said controllable window object.

61. (Newly Added) The system according to claim 54, wherein said controllable window object further includes a control facility that permits said controllable window object to be minimized.

62. (Newly Added) The system according to claim 54, wherein said controllable window object further includes a control facility that permits said controllable window object to be maximized.

63. (Newly Added) The system according to claim 54, wherein said controllable window object further includes a control facility that permits said controllable window object to be re-sized.

64. (Newly Added) The system according to claim 54, wherein said controllable window object further includes a control facility that permits said controllable window object to be closed thereby preventing dynamic manifestation of said content within said controllable window object. client.

REMARKS

Prior to or contemporaneous with the review and examination of the instant U.S. patent application, please enter this Preliminary Amendment into the official files of the instant and newly filed U.S. Patent Application, and process the amendments contained herein. This U.S. patent application is a continuation application under 37 C.F.R. § 1.53(b) of U.S. Patent Application Serial No. 09/252,076, filed on February 18, 1999, which application is now pending before the USPTO.

Claims 1-8 and 14-22 have been allowed in Applicant's co-pending U.S. Patent Application Serial No. 09/252,076. In the instant patent application, claims 9-13 and

claims 23 through 64 which have been added by way of this Preliminary Amendment are pending and are presented for examination on their merits, which action is earnestly solicited.

CONCLUSION:

Claims 9-13 and claims 23 through 64 which have been added by way of this Preliminary Amendment are pending and are presented for examination on their merits, which action is earnestly solicited.

If the Examiner believes that an in-person or telephonic interview will in any way expedite the prosecution of the instant U.S. patent application, the Examiner is invited to contact the undersigned attorney of record at the address and telephone numbers listed below.

It is believed that fees are due in regard to the submission of this Preliminary Amendment. Such fees have been paid in the form of a check in the amount of \$676.00. If additional fees are deemed due and/or owing, the USPTO is invited to contact the undersigned attorney of record at the address and telephone numbers listed below.

Respectfully submitted,

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